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EXAMINER
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HAGEMAN, MARK

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/630,940  
Filing Date: July 31, 2003  
Appellant(s): HANSON ET AL.

**MAILED**

AUG 21 2007

**GROUP 3600**

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Andrew M. Calderon  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 6-11-2007 appealing from the Office action mailed 1-19-2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,107,588	De Leo et al.	08-2000
6,274,836	Walach	08-2001

2002/0104782

DeWitt et al.

8-2002

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Leo et al., referred to as the reference, in view of US 2002/0104782 to DeWitt et al. The reference discloses a plurality of input feeding devices ( $F_1$ ,  $F_2$ ) each randomly receiving product from a stream of product; a plurality of output groups ( $W_a$ ,  $W_b$ ) each having a plurality of output bins; and a control system having a mode (Fig. 1a) which constrains the input feeding devices to (i) feeding non-rejected product to output bins of assigned output groups of the plurality of output groups associated with a corresponding one of the plurality of input feeding devices (col 3, lines 10+; col 5, lines 10+). De Leo does not disclose (ii) feeding rejected product to at least one output bin of the plurality of output bins in a single group accessible to any of the plurality of input feeders. De Witt discloses (ii) feeding rejected product to at least one output bin (250) of the plurality of output bins in a single group accessible to any of the plurality of input feeders (460) for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified De Leo to include, feeding rejected product to at least one output bin (250) of the plurality of output bins in a single group accessible to any of the plurality of input feeders, as taught by DeWitt, for the purpose of separating

items which have been misread or partially read from those that have been properly processed (para 105).

With regards to claim 2, DeWitt further discloses each of the plurality of input feeding devices (460) directs the rejected product from the stream of product to the at least one output bin (250) in the single group based on at least one of misreading or non-reading of a code associated with the rejected product and an operator or machine error (para 105), for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified De Leo to include, each of the plurality of input feeding devices (460) directs the rejected product from the stream of product to the at least one output bin (250) in the single group based on at least one of misreading or non-reading of a code associated with the rejected product and an operator or machine error, as taught by DeWitt, for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

With regards to claim 3, the reference further discloses a number of the plurality of input feeding devices equals a number of the plurality of output groups (col. 3, lines 10+; col. 5, lines 10+).

With regards to claim 4, DeWitt further discloses the at least one output bin is a single reject output bin (250).

It would have been obvious to one of ordinary skill in the art at the time of

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applicant's invention to have modified De Leo to include, the at least one output bin is a single reject output bin (250), as taught by DeWitt, for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

With regards to claim 5, the combination of references further inherently discloses the single reject output bin increases a capacity of processing points for sequencing the product during a second pass phase in the plurality of output groups. A reject bin inherently increases the capacity of the apparatus, as undeliverable mail is removed from the system, thus freeing up capacity.

With regards to claim 6, DeWitt further discloses the single reject output bin is provided in a separate output group from the plurality of output groups (para 98 lines 13-14). The reject bin (250) is a separate entity from the stacker (300) and therefore the reject bin is inherently in a separate output group.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified De Leo to include, the single reject output bin is provided in a separate output group from the plurality of output groups, as taught by DeWitt, for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

With regards to claim 7, the reference further discloses the control system assigns each input feeding 4 device to a respective one of the assigned output groups of the plurality of output group for feeding the non-rejected product during a second pass phase (Fig. 1b; col. 3, lines 10+; col. 5, lines 10+).

With regards to claim 8, the reference further discloses the control system constrains each input feeding device to the at least one output bin for feeding the rejected product during the second pass phase (col. 3, lines 10+; col. 5, lines 10+).

With regards to claim 9, the reference further discloses the control system assigns each of the assigned output groups to a designated number of routes (col. 3, lines 10+; col. 5, lines 10+).

With regards to claim 10, the reference further discloses the plurality of input feeding devices is at least two input feeding devices (col. 3, lines 10+; col. 5, lines 10+).

With regards to claim 11, the reference further discloses the plurality of input feeding devices is four input feeding devices and the plurality of output groups is equal to a number of the plurality of input feeding devices (col. 3, lines 10+; col. 5, lines 10+).

With regards to claim 12, the reference further discloses the control system provides the plurality of input feeding devices access to all of the plurality of output groups during a first pass phase of sorting the products (col. 3, lines 10+; col. 5, lines 10+).

With regards to claim 13, the reference further discloses the plurality of input feeding devices is equal to a number of the plurality of output groups (col. 3, lines 10+; col. 5, lines 10+).

With regards to claim 14, the reference further discloses the product is mail pieces (col. 3, lines 10+; col. 5, lines 10+).

With regards to claim 15, the reference further discloses providing a plurality of product from a stream of product to any of a plurality of input devices. feeding, in a first

pass phase, each product of the plurality of product to output bins based on a code associated with each product of the plurality of product; assigning each input device of the plurality of input devices to a specific output group of the plurality of output groups for a second pass phase; feeding, in the second pass phase, non-rejected product of the plurality of product to the output bins of the specific output group assigned to the each input device which is feeding the non-rejected product (col. 3, lines 10+; col. 5, lines 10+). De Leo does not disclose feeding rejected product of the plurality of product to an output bin common and accessible to any of the input devices. DeWitt discloses feeding rejected product of the plurality of product to an output bin (250) common and accessible to any of the input devices (260 and para 105) for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified De Leo to include, feeding rejected product of the plurality of product to an output bin (250) common and accessible to any of the input devices, as taught by DeWitt, for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

With regards to claim 16, DeWitt further discloses the rejected product is based on one of a misreading or non-reading of a code associated with the rejected product and an operator error (para 105).

It would have been obvious to one of ordinary skill in the art at the time of



applicant's invention to have modified De Leo to include, the rejected product is based on one of a misreading or non-reading of a code associated with the rejected product and an operator error, as taught by DeWitt, for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

With regards to claim 17, DeWitt further discloses the rejected products are fed by each input device of the plurality of input devices (460) to the commonly accessible output bin (250 and para 105) for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified De Leo to include, the rejected products are fed by each input device of the plurality of input devices (460) to the commonly accessible output bin, as taught by DeWitt, for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

With regards to claim 18, the reference further discloses the step of determining whether the product is going through a first pass phase or a second pass phase and adjusting a control system between a first mode of operation and a second mode of operation, respectively (col. 3, lines 10+; col. 5, lines 10+).

With regards to claim 19, DeWitt further discloses the commonly accessible output bin (250) is one of the output bins (250, 300) of the specific output group and the any of the input devices are all of the input devices for the purpose of separating items

which have been misread or partially read from those that have been properly processed (para 105).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified De Leo to include, the commonly accessible output bin (250) is one of the output bins (250, 300) of the specific output group and the any of the input devices are all of the input devices, as taught by DeWitt, for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

With regards to claim 20, the reference further discloses the product is mail pieces (col. 3, lines 10+; col. 5, lines 10+).

With regards to claim 21, the reference further discloses means for providing a plurality of product from a stream of product; means for feeding each product of the plurality of product to output bins based on a code in a first pass phase and second pass phase; means for assigning each feeding means to a specific output group of the plurality of output groups for the second pass phase; means for constraining, in the second pass phase, non-rejected product of the plurality of product to the output bins of the specific output group assigned to the each feeding means which is feeding the non-rejected product (col. 3, lines 10+; col. 5, lines 10+). De Leo does not disclose means for permitting rejected product of the plurality of product to an output bin common and accessible to any of the feeding means. DeWitt discloses means for permitting rejected product of the plurality of product to an output bin (250) common and accessible to any of the feeding means (460 and para 105) for the purpose of

separating items which have been misread or partially read from those that have been properly processed (para 105).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified De Leo to include, means for permitting rejected product of the plurality of product to an output bin (250) common and accessible to any of the feeding means, as taught by DeWitt, for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

With regards to claim 22, the reference further discloses at least the means for constraining and the means for permitting is a control system operable in a first mode of operation and a second mode of operation (col. 3, lines 10+; col. 5, lines 10+).

With regards to claim 23, the reference further discloses the product is mail pieces (col. 3, lines 10+; col. 5, lines 10+).

Claims 1 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walach, referred to below as the reference, in view of US 2002/0104782 to DeWitt et al. The reference discloses a plurality of input feeding devices (P) each randomly receiving product from a stream of product; a plurality of output groups (N) each having a plurality of output bins; and a control system having a mode (120) which constrains the input feeding devices to (i) feeding non-rejected product to output bins of assigned output groups of the plurality of output groups associated with a corresponding one of the plurality of input feeding devices (col. 3, lines 46+; col. 4, lines 10+; col. 5, lines 38+). Walach does not disclose (ii) feeding rejected product to at least one output bin of the

plurality of output bins in a single group accessible to any of the plurality of input feeders. De Witt discloses (ii) feeding rejected product to at least one output bin (250) of the plurality of output bins in a single group accessible to any of the plurality of input feeders (460) for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified Walach to include, feeding rejected product to at least one output bin (250) of the plurality of output bins in a single group accessible to any of the plurality of input feeders, as taught by DeWitt, for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

With regards to claim 2, DeWitt further discloses each of the plurality of input feeding devices (460) directs the rejected product from the stream of product to the at least one output bin (250) in the single group based on at least one of misreading or non-reading of a code associated with the rejected product and an operator or machine error (para 105), for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified Walach to include, each of the plurality of input feeding devices (460) directs the rejected product from the stream of product to the at least one output bin (250) in the single group based on at least one of misreading or non-reading of a code associated with the rejected product and an operator or machine

error, as taught by DeWitt, for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

With regards to claim 3, the reference further discloses a number of the plurality of input feeding devices equals a number of the plurality of output groups (col. 3, lines 46+; col. 4, lines 10+; col. 5, lines 38+).

With regards to claim 4, DeWitt further discloses the at least one output bin is a single reject output bin (250).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified Walach to include, the at least one output bin is a single reject output bin (250), as taught by DeWitt, for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

With regards to claim 5, the combination of references further inherently discloses the single reject output bin increases a capacity of processing points for sequencing the product during a second pass phase in the plurality of output groups. A reject bin inherently increases the capacity of the apparatus, as undeliverable mail is removed from the system, thus freeing up capacity.

With regards to claim 6, DeWitt further discloses the single reject output bin is provided in a separate output group from the plurality of output groups (para 98 lines 13-14). The reject bin (250) is a separate entity from the stacker (300) and therefore the reject bin is inherently in a separate output group.

It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to have modified Walach to include, the single reject output bin is provided in a separate output group from the plurality of output groups, as taught by DeWitt, for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

With regards to claim 7, the reference further discloses the control system assigns each input feeding device to a respective one of the assigned output groups of the plurality of output group for feeding the non-rejected product during a second pass phase (col. 3, lines 46+; col. 4, lines 10+; col. 5, lines 38+).

With regards to claim 8, the reference further discloses the control system constrains each input feeding device to the at least one output bin for feeding the rejected product during the second pass phase (col. 3, lines 46+; col. 4, lines 10+; col. 5, lines 38+).

With regards to claim 9, the reference further discloses the control system assigns each of the assigned output groups to a designated number of routes (col. 3, lines 46+; col. 4, lines 10+; col. 5, lines 38+).

With regards to claim 10, the reference further discloses the plurality of input feeding devices is at least two input feeding devices (col. 3, lines 46+; col. 4, lines 10+; col. 5, lines 38+).

With regards to claim 11, the reference further discloses the plurality of input feeding devices is four input feeding devices and the plurality of output groups is equal to a number of the plurality of input feeding devices (col. 3, lines 46+; col. 4, lines 10+; col. 5, lines 38+).

With regards to claim 12, the reference further discloses the control system provides the plurality of input feeding devices access to all of the plurality of output groups during a first pass phase of sorting the products (col. 3, lines 46+; col. 4, lines 10+; col. 5, lines 38+).

With regards to claim 13, the reference further discloses the plurality of input feeding devices is equal to a number of the plurality of output groups (col. 3, lines 46+; col. 4, lines 10+; col. 5, lines 38+).

With regards to claim 14, the reference further discloses the product is mail pieces (col. 3, lines 46+; col. 4, lines 10+; col. 5, lines 38+).

With regards to claim 15, the reference further discloses providing a plurality of product from a stream of product to any of a plurality of input devices, feeding, in a first pass phase (120), each product of the plurality of product to output bins based on a code associated with each product of the plurality of product; assigning each input device of the plurality of input devices to a specific output group of the plurality of output groups for a second pass phase (130); feeding, in the second pass phase, non-rejected product of the plurality of product to the output bins of the specific output group assigned to the each input device which is feeding the non-rejected product; and feeding, (col. 3, lines 46+; col. 4, lines 10+; col. 5, lines 38+). Walach does not disclose feeding rejected product of the plurality of product to an output bin common and accessible to any of the input devices. DeWitt discloses feeding rejected product of the plurality of product to an output bin (250) common and accessible to any of the input

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devices (260 and para 105) for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified Walach to include, feeding rejected product of the plurality of product to an output bin (250) common and accessible to any of the input devices, as taught by DeWitt, for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

With regards to claim 16, DeWitt further discloses the rejected product is based on one of a misreading or non-reading of a code associated with the rejected product and an operator error (para 105).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified Walach to include, the rejected product is based on one of a misreading or non-reading of a code associated with the rejected product and an operator error, as taught by DeWitt, for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

With regards to claim 17, DeWitt further discloses the rejected products are fed by each input device of the plurality of input devices (460) to the commonly accessible output bin (250 and para 105) for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

It would have been obvious to one of ordinary skill in the art at the time of



applicant's invention to have modified Walach to include, the rejected products are fed by each input device of the plurality of input devices (460) to the commonly accessible output bin, as taught by DeWitt, for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

With regards to claim 18, the reference further discloses the step of determining whether the product is going through a first pass phase (120) or a second pass phase (130) and adjusting a control system between a first mode of operation and a second mode of operation, respectively (col. 3, lines 46+; col. 4, lines 10+; col. 5, lines 38+).

With regards to claim 19, DeWitt further discloses the commonly accessible output bin (250) is one of the output bins (250, 300) of the specific output group and the any of the input devices are all of the input devices for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified Walach to include, the commonly accessible output bin (250) is one of the output bins (250, 300) of the specific output group and the any of the input devices are all of the input devices, as taught by DeWitt, for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

With regards to claim 20, the reference further discloses the product is mail pieces (col. 3, lines 46+; col. 4, lines 10+; col. 5, lines 38+).

With regards to claim 21, the reference further discloses means for providing a plurality of product from a stream of product; means for feeding each product of the plurality of product to output bins based on a code in a first pass phase (120) and second pass phase; means for assigning each feeding means to a specific output group of the plurality of output groups for the second pass phase; means for constraining, in the second pass phase (130), non-rejected product of the plurality of product to the output bins of the specific output group assigned to the each feeding means which is feeding the non-rejected product; and means for permitting, in the second pass phase (130 and col. 3, lines 46+; col. 4, lines 10+; col. 5, lines 38+). Walach does not disclose means for permitting rejected product of the plurality of product to an output bin common and accessible to any of the feeding means. DeWitt discloses disclose means for permitting rejected product of the plurality of product to an output bin (250) common and accessible to any of the feeding means (460 and para 105) for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified De Leo to include, means for permitting rejected product of the plurality of product to an output bin (250) common and accessible to any of the feeding means, as taught by DeWitt, for the purpose of separating items which have been misread or partially read from those that have been properly processed (para 105).

With regards to claim 22, the reference further discloses at least the means for constraining and the means for permitting is a control system operable in a first mode of operation and a second mode of operation (col. 3, lines 46+; col. 4, lines 10+; col. 5, lines 38+).

With regards to claim 23, the reference further discloses the product is mail pieces (col. 3, lines 46+; col. 4, lines 10+; col. 5, lines 38+).

**(10) Response to Argument**

**(A) Claims 1-23 rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No 6,107,588 to De Leo et al. ("De Leo") in view of U.S. Publication No 2002/0104782 to DeWitt ("DeWitt").**

Claims 1, 3, 4, 7, and 9-14 rejected under 35 U.S.C. §103(a) in view of De Leo and DeWitt

The rejection of claims 1, 3, 4, 7, and 9-14 under 35 U.S.C. §103(a) in view of De Leo and DeWitt is proper and should be affirmed.

Appellant states, "the applied references do not teach or suggest these features."

In reference to the following portion of claim 1:

"... a control system having a mode which constrains the input feeding devices to (i) feeding non-rejected product to output bins of assigned output groups of the plurality of output groups associated with a corresponding one of the plurality of input feeding devices, and (ii) feeding rejected product to at least one output bin of the plurality of output bins in a single group accessible to any of the plurality of input feeders."

Examiner maintains the references taken in combination do show these features as demonstrated in the following response to the appellant's detailed arguments.

Following the summary of the De Leo device appellant states, "However, De Leo's constraint of input A to group Wa and input B to group Wb teaches away from the claimed invention." Examiner disagrees and maintains that De Leo is silent as to the concept of a reject bin and specifically "feeding rejected product to at least one output bin of the plurality of output bins in a single group accessible to any of the plurality of input feeders." De Leo teaches the segregation of the two groups as an efficient sorting technique but does not mention rejecting product therefore De Leo does not teach away from the claim but rather is silent of the rejecting of product.

Regarding DeWitt appellant states, "there simple is no disclosure that the reject bin 250 is accessible be many different feeders, a proposition that would not seem possible in the DeWitt modular configuration." Appellant further states, "the drop chutes 460 are not input feeding devices as described in the instant specification and as understood by those of ordinary skill in the art" and "that the Examiner's interpretation of the term "input feeding devices" as is relates to DeWitt's chutes is not consistent with the specification of the present application or the interpretation which would be given by one of ordinary skill in the art." Examiner disagrees and maintains that the chutes are "input feeding devices" in that they provide a means by which items are fed or input into the apparatus. Examiner further contends that the language of the claims does not require automatic feeders or any specific processing rates etc. that would preclude the chutes from being considered input feeding devices.

Appellant continues by stating, "reference numeral 460 refers to input chutes that are described by DeWitt with respect to a second embodiment of the invention that is mutually exclusive of the first embodiment" and "there is no mention whatsoever of a common reject bin accessible be all the chutes 460 in the second embodiment." Appellant concludes stating, "therefore by relying on reject bin 250 (of the first embodiment) and chutes 460 (of the second embodiment), the Examiner is improperly mixing and matching elements of different and distinct embodiments of DeWitt in an effort to arrive at the claimed invention." Examiner disagrees with this assessment and contends that the disclosure is not of a second distinct embodiment but rather a reorganization of the previously disclosed elements with some additional features to allow semi automated mail processing. DeWitt discloses many different systems and different modes of operations using all or some subset of these systems. Examiner therefore contends that the imaging system (480) and output bins (490) are no different than the earlier disclosed imaging system and stacker. Therefore examiner maintains that a reject bin is present and readily accessible to multiple inputs in the form of the chutes 460.

Appellant continues stating once again "that De Leo appears to teach away from the claimed invention" and "even if one were to add reject bins to De Leo as suggested by the Examiner, the combination of the applied references would result in separate feeding devices having access to their own reject bin (i.e. a reject bin in each output group), which is not a common reject bin to all of the feeding devices." Appellant then goes on to say that the combination would result in what is known "separate feeding

devices having access to their own reject bin” as opposed to the claimed invention. Examiner disagrees and maintains that De Leo while silent of the idea of rejecting product does not teach away from the claimed invention. Further Examiner maintains that the combination does result in the claimed invention as DeWitt provides a reject bin readily available to multiple inputs, which in combination with De Leo results in the claimed invention.

Appellant concludes by arguing that the “only reasonable rationale for modifying the De Leo in the manner suggested by the Examiner is found in reviewing Appellants’ own disclosure, which is a use of impermissible hindsight that renders the rejection improper.” Examiner disagrees and maintains that the rationale for the combination comes from DeWitt para 105 in that the provision of the reject bin as suggested by the Examiner allows for misread and partially read items to be separated from those that are to be process normally.

Claim 2 rejected under 35 U.S.C. §103(a) in view of De Leo and DeWitt

The rejection of claim 2 under 35 U.S.C. §103(a) in view of De Leo and DeWitt is proper and should be affirmed.

Appellant states, “neither De Leo nor DeWitt discloses that a plurality of input feeding devices directs product to an output bin of a single group. Therefore, De Leo and DeWitt cannot arguably suggest a plurality of input feeding devices directs rejected product to an output bin of a single group based upon misreading or nonreading of a code, or operator, or machine error.” Examiner disagrees and maintains that DeWitt

does disclose a plurality of input feeding devices (460) that can direct product to a reject bin (250) as discussed above. DeWitt further discloses suggest a plurality of input feeding devices directs rejected product to an output bin of a single group based upon misreading or nonreading of a code, or operator, or machine error in para 105.

Claim 5 rejected under 35 U.S.C. §103(a) in view of De Leo and DeWitt

The rejection of claim 5 under 35 U.S.C. §103(a) in view of De Leo and DeWitt is proper and should be affirmed.

Appellant states, "the Examiner's proffered reasoning that a reject bin inherently increases the capacity of the apparatus, as undeliverable mail is removed from the system, thus freeing up capacity, is mere speculation of possibility provided in an attempt to arrive at the claimed invention." Appellant continues to state that converting one De Leo's bins would actually decrease capacity. Examiner admits that converting one of De Leo's bins would decrease capacity but contends that this is not what is being done in the combination suggested. The combination does not use an existing bin as the reject bin but rather adds an additional reject bin to the already existing bins of De Leo. Examiner maintains that this addition, not conversion, of the a bin will inherently increase the capacity of the apparatus.

Claim 6 rejected under 35 U.S.C. §103(a) in view of De Leo and DeWitt

The rejection of claim 6 under 35 U.S.C. §103(a) in view of De Leo and DeWitt is proper and should be affirmed.

Appellant states De Leo does not disclose output groups other than Wa and Wb, De Leo does not show a reject bin, and De Leo restricts feeding to a single output group. Appellants then continue, characterizing DeWitt as not disclosing output groups. Examiner does not necessarily disagree with the assertions made by the appellants but maintains that the combination as suggested adds a reject bin to the existing bins of De Leo that is accessible by multiple inputs and therefore Examiner contends that the combination as suggested discloses the claimed invention.

Claim 8 rejected under 35 U.S.C. §103(a) in view of De Leo and DeWitt

The rejection of claim 8 under 35 U.S.C. §103(a) in view of De Leo and DeWitt is proper and should be affirmed.

Appellant states, "Besides De Leo's constraint of input A to group Wa and input B to group Wb in the second pass phase, there is no other mention of constraining input devices to anything much less to a common reject bin accessible by all of the inputs." Examiner disagrees and contends that DeWitt always constrains the feeding of rejected products to the reject bin 250 and therefore in combination with De Leo renders the claim obvious.

Claims 15, 16, 18, and 20 rejected under 35 U.S.C. §103(a) in view of De Leo and DeWitt



The rejection of claims 15, 16, 18, and 20 under 35 U.S.C. §103(a) in view of De Leo and DeWitt is proper and should be affirmed.

Appellant first states, "Examiner is of the opinion that element 260 of DeWitt constitutes input devices." Examiner admits that is was a typographical error and the rejection should have included reference character 460 not 260.

Appellant continues stating, "DeWitt does not, however, disclose plural input feeding devices, and, therefore cannot arguably disclose an output bin that is common and accessible to any of a plurality of input devices." Appellant continues, "the chutes 460 do not constitute input feeding devices." Examiner disagrees and as addressed previously maintains that the chutes do constitute input feeding devices and thus there are a plurality of input feeding devices with access to a reject bin.

Appellant continues stating, " De Leo teaches directly away from an output bin in a single output group that is accessible to any of the plurality of input feeders. Thus the combination of references would result in separate feeding devices having access to their own reject bin." Examiner disagrees and as stated earlier contends that De Leo teaches the segregation of the two groups as an efficient sorting technique but does not mention rejecting product therefore De Leo does not teach away from the claim but rather is silent as to the concept of a reject bin. Further Examiner maintains that the combination does result in the claimed invention as DeWitt provides a reject bin readily available to multiple inputs, which in combination with De Leo results in the claimed invention.

Appellant concludes by arguing that the “only reasonable rationale for modifying the De Leo in the manner suggested by the Examiner is found in reviewing Appellants’ own disclosure, which is a use of impermissible hindsight that renders the rejection improper.” Examiner disagrees and maintains that the rationale for the combination comes from DeWitt para 105 in that the provision of the reject bin as suggested by the Examiner allows for misread and partially read items to be separated from those that are to be process normally.

Claim 17 rejected under 35 U.S.C. §103(a) in view of De Leo and DeWitt

The rejection of claim 17 under 35 U.S.C. §103(a) in view of De Leo and DeWitt is proper and should be affirmed.

Appellant states, “De Leo does not disclose a commonly accessible output bin in the second pass phase. DeWitt does not disclose a plurality of input devices that feed product to a commonly accessible output bin.” Regarding De Leo examiner agrees with the appellants but regarding DeWitt Examiner disagrees and maintains that DeWitt does disclose a plurality of input devices (chutes 460) that feed product to a commonly accessible output bin (250).

Claim 19 rejected under 35 U.S.C. §103(a) in view of De Leo and DeWitt

The rejection of claim 19 under 35 U.S.C. §103(a) in view of De Leo and DeWitt is proper and should be affirmed.

Appellant states, "The DeWitt reject bin 250 is disposed in the image processing section 200" and "the reject bin 250 appears to be completely unassociated with and separate from the groupings of bins 302a-302h." Examiner contends that in DeWitt the specific output groups is made up of all the possible bins and therefore includes 302a-302h and the reject bin 250. The claims does not locate the bins physically but only requires an input have access to the bins. Therefore examiner contends that DeWitt shows the reject bin as one of the output bins of the specific group as claimed.

Claims 21-23 rejected under 35 U.S.C. §103(a) in view of De Leo and DeWitt

The rejection of claims 21-23 under 35 U.S.C. §103(a) in view of De Leo and DeWitt is proper and should be affirmed.

Appellant states, "that elements of claim 21 invoke 35 U.S.C. §112 sixth paragraph, and that the reject is inappropriate because it does not address the claim in accordance with MPEP §§2181 et seq." and "the Examiner has failed to provide an explanation or rationale in the Office Action as to why the prior art element is an equivalent to the claimed feature." Examiner contends that the referenced elements are equivalent to those claimed and the combination of the De Leo and DeWitt is proper and renders the claims obvious.

Appellant further states, "because DeWitt does not disclose a second pass phase, DeWitt cannot reasonably be said to perform the claimed function of permitting, in the second pass phase, rejected product of the plurality of product to an output bin common and accessible to and of the feeding means." Examiner admits that DeWitt

does not disclose a second pass but maintains that De Leo does disclose a second pass and that the combination suggested by the examiner will perform the claimed function.

Appellant continues, discussing the lack of a plurality of feeding devices in DeWitt and the position that the chutes 460 do not constitute input feeding devices. As discussed previously examiner contends that the chutes 460 are input feeding devices that can all access reject bin 250.

Appellant then states, "De Leo teaches directly away from an output bin in a single group that is accessible to any of the input feeders" and "as such the combination of the applied references would result in separate feeding devices having access to their own reject bin." Examiner disagrees and as stated earlier contends that De Leo teaches the segregation of the two groups as an efficient sorting technique but does not mention rejecting product therefore De Leo does not teach away from the claim but rather is silent as to the concept of a reject bin. Further Examiner maintains that the combination does result in the claimed invention as DeWitt provides a reject bin readily available to multiple inputs, which in combination with De Leo results in the claimed invention.

Appellant concludes by arguing that the "only reasonable rationale for modifying the De Leo in the manner suggested by the Examiner is found in reviewing Appellants' own disclosure, which is a use of impermissible hindsight that renders the rejection improper." Examiner disagrees and maintains that the rationale for the combination

comes from DeWitt para 105 in that the provision of the reject bin as suggested by the Examiner allows for misread and partially read items to be separated from those that are to be process normally.

**(B) Claims 1-23 rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No 6,274,836 issued to Walach ("Walach") in view of U.S. Publication No 2002/0104782 to DeWitt ("DeWitt").**

Claims 1, 3, 4, 7, 9, 10, and 12-14 rejected under 35 U.S.C. §103(a) in view of Walach and DeWitt

The rejection of Claims 1, 3, 4, 7, 9, 10, and 12-14 rejected under 35 U.S.C. §103(a) in view of Walach and DeWitt is proper and should be affirmed.

Appellant states, "there is no teaching in either of the references that any of the feeding devices can feed rejected product to at least one output bin of the plurality of output bins in a single group accessible to any of the plurality of input feeders." Examiner disagrees and maintains that DeWitt shows multiple inputs with access to a common reject bin as set forth earlier and in more detail below.

Regarding DeWitt appellant states, "there simple is no disclosure that the reject bin 250 is accessible be many different feeders, a proposition that would not seem possible in the DeWitt modular configuration." Appellant further states, "the drop chutes 460 are not input feeding devices as described in the instant specification and as understood by those of ordinary skill in the art" and "that the Examiner's interpretation of the term "input feeding devices" as is relates to DeWitt's chutes is not consistent with

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the specification of the present application or the interpretation which would be given by one of ordinary skill in the art." Examiner disagrees and maintains that the chutes are "input feeding devices" in that they provide a means by which items are fed or input into the apparatus. Examiner further contends that the language of the claims does not require automatic feeders or any specific processing rates etc. that would preclude the chutes from being considered input feeding devices.

Appellant continues by stating, "reference numeral 460 refers to input chutes that are described by DeWitt with respect to a second embodiment of the invention that is mutually exclusive of the first embodiment" and "there is no mention whatsoever of a common reject bin accessible be all the chutes 460 in the second embodiment." Appellant concludes stating, "therefore by relying on reject bin 250 (of the first embodiment) and chutes 460 (of the second embodiment), the Examiner is improperly mixing and matching elements of different and distinct embodiments of DeWitt in an effort to arrive at the claimed invention." Examiner disagrees with this assessment and contends that the disclosure is not of a second distinct embodiment but rather a reorganization of the previously disclosed elements with some additional features to allow semi automated mail processing. DeWitt discloses many different systems and different modes of operations using all or some subset of these systems. Examiner therefore contends that the imaging system (480) and output bins (490) are no different than the earlier disclosed imaging system and stacker. Therefore examiner maintains that a reject bin is present and readily accessible to multiple inputs in the form of the chutes 460.

Appellant also states that the “only reasonable rationale for modifying the Walach in the manner suggested by the Examiner is found in reviewing Appellants’ own disclosure, which is a use of impermissible hindsight that renders the rejection improper.” Examiner disagrees and maintains that the rationale for the combination comes from DeWitt para 105 in that the provision of the reject bin as suggested by the Examiner allows for misread and partially read items to be separated from those that are to be process normally.

Regarding Walach appellant states,

“Walach does not teach or suggest a plurality of input feeding devices each randomly receiving product from a stream of product. Walach does not disclose a stream of product. Instead, Walach describes input bins 10, which Appellants submit do not constitute a stream of product. Moreover, Walach does not disclose that the input bins 10 randomly receive products from anything, much less from a stream of product. Instead, Walach merely discloses input bins 10 and a sorter, and that the articles are divided approximately equally between the input bins. This does not, however, constitute randomly receiving products from a stream of product. In fact, this may even teach away from such inventive features of the claimed invention. Specifically, dividing the product equally amongst the feeders by definition cannot be random.”

Examiner contends that Walach does disclose a stream of product. At column 9 lines 33-35 Walach discloses, “providing a multiplicity of articles to be sorted...” Examiner contends that the articles to be sorted are being moved from one place to another through out the entire process and therefore there is “a stream of product” as it is moved throughout the sorting process. Regarding the appellant’s position, “that the division of product equally between the two input bins teaches away from a plurality of

input feeding devices randomly receiving product from a stream of product," examiner disagrees. Examiner contends that the articles are in no particular order prior to the first pass sort and that simply splitting a random pile of articles approximately in half creates two piles that are still random. Therefore the splitting action does not prevent the articles from, "being randomly assigned to the input feeding devices."

Appellant further states, "Walach teaches away from the claimed invention since, during the second pass phase, the sorter is used to sort the P input groups into N new output groups, each of the N new output groups being associated with and fed by exactly one of the P input bins." Examiner disagrees and, similar to De Leo, contends that Walach teaches the segregation of the two groups as an efficient sorting technique but does not mention rejecting product therefore Walach does not teach away from the claim but rather is silent as to the concept of a reject bin or handling product other than that which is processed normally. Further Examiner maintains that the combination does result in the claimed invention as DeWitt provides a reject bin readily available to multiple inputs, which in combination with Walach results in the claimed invention.

Claim 2 rejected under 35 U.S.C. §103(a) in view of Walach and DeWitt

The rejection of claim 2 under 35 U.S.C. §103(a) in view of Walach and DeWitt is proper and should be affirmed.

Appellant states, "neither Walach nor DeWitt discloses that a plurality of input feeding devices directs product to an output bin of a single group. Therefore, Walach and DeWitt cannot arguably suggest a plurality of input feeding devices directs rejected



product to an output bin of a single group based upon misreading or nonreading of a code, or operator, or machine error.” Examiner disagrees and maintains that DeWitt does disclose a plurality of input feeding devices (460) that can direct product to a reject bin (250) as discussed above. DeWitt further discloses suggest a plurality of input feeding devices directs rejected product to an output bin of a single group based upon misreading or nonreading of a code, or operator, or machine error in para 105.

Claim 5 rejected under 35 U.S.C. §103(a) in view of Walach and DeWitt

The rejection of claim 5 under 35 U.S.C. §103(a) in view of Walach and DeWitt is proper and should be affirmed.

Appellant states, “the Examiner’s proffered reasoning that a reject bin inherently increases the capacity of the apparatus, as undeliverable mail is removed from the system, thus freeing up capacity, is mere speculation of possibility provided in an attempt to arrive at the claimed invention.” Appellant continues to state that converting one Walach’s bins would actually decrease capacity. Examiner admits that converting one of Walach’s bins would decrease capacity but contends that this is not what is being done in the combination suggested. The combination does not use an existing bin as the reject bin but rather adds an additional reject bin to the already existing bins of Walach. Examiner maintains that this additions, not conversion, of the a bin will inherently increase the capacity of the apparatus.

Claim 6 rejected under 35 U.S.C. §103(a) in view of Walach and DeWitt

The rejection of claim 6 under 35 U.S.C. §103(a) in view of Walach and DeWitt is proper and should be affirmed.

Appellant states Walach does not show any output groups separate from the assigned output group and Walach does not show a reject bin. Appellants then continue, characterizing DeWitt as not disclosing output groups. Examiner does not necessarily disagree with the assertions made by the appellants but maintains that the combination as suggested adds a reject bin to the existing bins of Walach that is accessible by multiple inputs and therefore Examiner contends that the combination as suggested discloses the claimed invention.

Claim 8 rejected under 35 U.S.C. §103(a) in view of Walach and DeWitt

The rejection of claim 8 under 35 U.S.C. §103(a) in view of Walach and DeWitt is proper and should be affirmed.

Appellant states, "Besides Walach's constraint of inputs to groups in the second pass phase, there is no other mention of constraining input devices to anything much less to a common reject bin accessible by all of the inputs." Examiner disagrees and contends that DeWitt always constrains the feeding of rejected products to the reject bin 250 and therefore in combination with Walach renders the claim obvious.

Claim 11 rejected under 35 U.S.C. §103(a) in view of Walach and DeWitt

The rejection of claim 11 under 35 U.S.C. §103(a) in view of Walach and DeWitt is proper and should be affirmed.

Appellant states, "The Examiner apparently is of the opinion that Walach show four input feeding devices. Appellants respectfully disagree and submit that Walach only discloses two input feeding devices." Examiner contends that Walach discloses "a plurality of input bins" and that it would be obvious to one of ordinary skill in the art to utilize four bins for the purpose of increasing capacity. While Walach uses examples that have two inputs this is merely as a simplified example for showing the functionality of the invention but not as a limiting disclosure.

Claims 15, 16, 18, and 20 rejected under 35 U.S.C. §103(a) in view of Walach and DeWitt

The rejection of claims 15, 16, 18, and 20 under 35 U.S.C. §103(a) in view of Walach and DeWitt is proper and should be affirmed.

Appellant first states, "Examiner is of the opinion that element 260 of DeWitt constitutes input devices." Examiner admits that is was a typographical error and the rejection should have included reference character 460 not 260.

Appellant states, "Walach does not disclose a stream of product. Instead, Walach discloses input bins that do not constitute a stream of product. Examiner contends that Walach does disclose a stream of product. At column 9 lines 33-35 Walach discloses, "providing a multiplicity of articles to be sorted..." Examiner contends that the articles to be sorted are being moved from one place to another through out the entire process and therefore there is "a stream of product" as it is moved throughout the sorting process.

Appellant further states, "Walach teaches directly away from an output bin in a single group that is accessible to any of the plurality of input feeders." Examiner disagrees and, similar to De Leo, contends that Walach teaches the segregation of the two groups as an efficient sorting technique but does not mention rejecting product therefore Walach does not teach away from the claim but rather is silent as to the concept of a reject bin or handling product other than that which is processed normally. Further Examiner maintains that the combination does result in the claimed invention as DeWitt provides a reject bin readily available to multiple inputs, which in combination with Walach results in the claimed invention.

Appellant continues stating, DeWitt does not, however, disclose plural input feeding devices, and, therefore cannot arguably disclose an output bin that is common and accessible to any of a plurality of input devices." Appellant continues, "the chutes 460 do not constitute input feeding devices." Examiner disagrees and as addressed previously maintains that the chutes do constitute input feeding devices and thus there are a plurality of input feeding devices with access to a reject bin.

Appellant concludes by arguing that the "only reasonable rationale for modifying the De Leo in the manner suggested by the Examiner is found in reviewing Appellants' own disclosure, which is a use of impermissible hindsight that renders the rejection improper." Examiner disagrees and maintains that the rationale for the combination comes from DeWitt para 105 in that the provision of the reject bin as suggested by the Examiner allows for misread and partially read items to be separated from those that are to be process normally.

Claim 17 rejected under 35 U.S.C. §103(a) in view of Walach and DeWitt

The rejection of claim 17 under 35 U.S.C. §103(a) in view of Walach and DeWitt is proper and should be affirmed.

Appellant states, "Walach does not disclose a commonly accessible output bin in the second pass phase. DeWitt does not disclose a plurality of input devices that feed product to a commonly accessible output bin." Regarding Walach examiner agrees with the appellants but regarding DeWitt Examiner disagrees and maintains that DeWitt does disclose a plurality of input devices (chutes 460) that feed product to a commonly accessible output bin (250).

Claim 19 rejected under 35 U.S.C. §103(a) in view of Walach and DeWitt

The rejection of claim 19 under 35 U.S.C. §103(a) in view of Walach and DeWitt is proper and should be affirmed.

Appellant states, "The DeWitt reject bin 250 is disposed in the image processing section 200" and "the reject bin 250 appears to be completely unassociated with and separate from the groupings of bins 302a-302h." Examiner contends that in DeWitt the specific output groups is made up of all the possible bins and therefore includes 302a-302h and the reject bin 250. The claims does not locate the bins physically but only requires an input have access to the bins. Therefore examiner contends that DeWitt shows the reject bin as one of the output bins of the specific group as claimed.

Claims 21-23 rejected under 35 U.S.C. §103(a) in view of Walach and DeWitt

The rejection of claims 21-23 under 35 U.S.C. §103(a) in view of Walach and DeWitt is proper and should be affirmed.

Appellant states, "that elements of claim 21 invoke 35 U.S.C. §112 sixth paragraph, and that the reject is inappropriate because it does not address the claim in accordance with MPEP §§2181 et seq." and "the Examiner has failed to provide an explanation or rationale in the Office Action as to why the prior art element is an equivalent to the claimed feature." Examiner contends that the referenced elements are equivalent to those claimed and the combination of the Walach and DeWitt is proper and renders the claims obvious.

Appellant also notes, "Walach does not suggest a stream of product." Examiner contends that Walach does disclose a stream of product. At column 9 lines 33-35 Walach discloses, "providing a multiplicity of articles to be sorted..." Examiner contends that the articles to be sorted are being moved from one place to another through out the entire process and therefore there is "a stream of product" as it is moved throughout the sorting process.

Appellant further states, "because DeWitt does not disclose a second pass phase, DeWitt cannot reasonably be said to perform the claimed function of permitting, in the second pass phase, rejected product of the plurality of product to an output bin common and accessible to and of the feeding means." Examiner admits that DeWitt does not disclose a second pass but maintains that Walach does disclose a second

pass and that the combination suggested by the examiner will perform the claimed function.

Appellant continues, discussing the lack of a plurality of feeding devices in DeWitt and the position that the chutes 460 do not constitute input feeding devices. As discussed previously examiner contends that the chutes 460 are input feeding devices that can all access reject bin 250.

Appellant then states, "Walach teaches directly away from an output bin in a single group that is accessible to any of the input feeders" and "as such the combination of the applied references would result in separate feeding devices having access to their own reject bin." Examiner disagrees and as stated earlier contends that Walach teaches the segregation of the two groups as an efficient sorting technique but does not mention rejecting product therefore Walach does not teach away from the claim but rather is silent as to the concept of a reject bin. Further Examiner maintains that the combination does result in the claimed invention as DeWitt provides a reject bin readily available to multiple inputs, which in combination with Walach results in the claimed invention.

Appellant concludes by arguing that the "only reasonable rationale for modifying the De Leo in the manner suggested by the Examiner is found in reviewing Appellants' own disclosure, which is a use of impermissible hindsight that renders the rejection improper." Examiner disagrees and maintains that the rationale for the combination comes from DeWitt para 105 in that the provision of the reject bin as suggested by the

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Examiner allows for misread and partially read items to be separated from those that are to be process normally.

**(C) Conclusion**

Examiner maintains that the rejections of claims 1-23 rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No 6,274,836 issued to Walach in view of U.S. Publication No 2002/0104782 to DeWitt and U.S. Patent No 6,107,588 issued to De Leo in view of U.S. Publication No 2002/0104782 to DeWitt are proper and should be affirmed.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.



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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



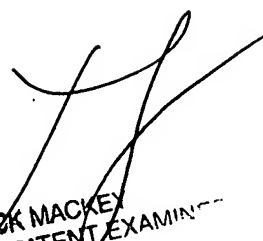
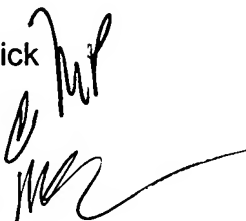
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